

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Jeffrey Edmund Dowd  
Emmaline Bernadette Dowd,

Debtors,

BKY 14-32703

ADV 11-\_\_\_\_\_

Jeffrey Edmund Dowd,

Plaintiff,

vs.

Nystrom and Associates, LTD,

Defendant.

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COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT

Plaintiff complains of Defendant, and for is cause of action alleges:

I.

Plaintiff filed a Petition for Relief under Chapter 7 of the bankruptcy code on June 26, 2014.

II.

This is a core proceeding over which the court has jurisdiction under Title 28, United States Code, Sections 157 and 1334 and Rule 7001 of the Federal Rules of Bankruptcy Procedure. Venue is proper in this judicial district pursuant to Title 28, United States Code, Sections 1408 and 1409.

III.

This is an adversary proceeding to determine the dischargeability of a debt under Title 11, United States Code, Section 523(a)(3).

IV.

On August 7, 2014, the Chapter 7 Trustee filed a notice of no asset case with the bankruptcy court.

V.

On September 30, 2014, this court filed its order granting Plaintiff a discharge under 11 U.S.C. Section 727.

VI.

On the date of the filing of the Chapter 7 petition, Defendant, Nystrom and Associates, LTD was and now is a creditor of Plaintiff.

VII.

The claim of Defendant arises out of medical services. The debt for the obligation was not incurred fraudulently or maliciously and is unpaid in the amount of \$116.49.

VIII.

Defendant's claim was not scheduled under 11 U.S.C. Section 521 because Defendant's claim was inadvertently omitted. Defendant's claim was not omitted by fraud or intentional design.

IX.

Defendant's claim is not of a type within 11 U.S.C. Sections 523(a)(2), 523(a)(4) or 523(a)(6).

X.

Pursuant to 11 U.S.C. Section 523, Plaintiff is entitled to a judgment determining Plaintiff's debt to Defendant was discharged by the discharge filed on September 30, 2014.

WHEREFORE, Plaintiff prays that this Court determine that the debt of Plaintiff to Defendant was discharged by the discharge filed in this case, and for such other, further or different relief as the Court may deem just and proper in the premises.

DUDLEY AND SMITH, P.A.

Dated: February 9, 2015

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